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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,621	12/06/2005	Steven Thomas Slunick	60158-315	2760

26096 7590 07/17/2007

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EXAMINER	
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ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,621	SLUNICK ET AL.	
	Examiner	Art Unit	
	Fannie C. Kee	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) *10-12 and 19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 December 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20051206*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I drawn to Figures 1-2 and claims 1-9 and 13-18 in the reply filed on 6/11/07 is acknowledged. The traversal is on the ground(s) that "the claims have a single general inventive concept...all recite a fluid connection assembly including a housing, a tube, a seal, a retainer and a locating feature. All the claims recite this common technical feature, and there is a single inventive concept". This is not found persuasive because, in particular as shown in Species III, there is no retainer structure found within the species. Rather, the method of retaining the fluid port inserted into the tube is to crimp the tube around the fluid port which is a different concept from adding a separate retainer structure.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10-12 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/11/07.

Drawings

3. The drawings are objected to because in Figure 1, the cross-hatching pattern used for the fluid port does not appear to be the correct plastic cross-hatching as referenced in the MPEP 6.08.

The drawings are also objected to because in Figures 3-5, the cross-hatching pattern for the fluid ports is incorrect.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3 – reference element "110" and Figure 5 – reference element "324".

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the material of the retainer being received in the locating feature must be shown or the feature canceled from claims 9 and 14. No new matter should be entered.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The abstract of the disclosure is objected to because the abstract should not refer to alternative embodiments which are not part of the elected invention.

Correction is required. See MPEP § 608.01(b).

Claim Objections

8. Claim 13 is objected to because of the following informalities: add an --s-- to the end of the word "include" between the words "fluid port" and "an annular" in line 2.

9. Claim 17 is objected to because of the following informalities: delete the word "of" between the words "inserting" and "the fluid port" in line 2.

Correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 9, 14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 14 recite "at least one of the fluid port and the tube includes a locating feature, and the material of the retainer is received in the locating feature to prevent relative rotation between the fluid port of the housing and the tube." How is the material of the retainer received within the locating feature? As this is not shown in the drawings, it is unclear how the retainer is received into the locating feature. Also, it is not clear if the retainer material is received within one locating feature or if there are two locating features, one on each element, in which the retainer is received. The claim appears to be speaking to the retainer material being received within one locating feature. Examiner is interpreting the claims to mean that there is only one locating feature either located on the fluid port or the tube where the material of the retainer is received within and which prevents relative rotation between the fluid port and the tube.

Claim 17 recites "the step of stopping the step of inserting of the fluid port into the metal tube". What does Applicant mean by "the step of stopping the step"? Does Applicant mean that

the fluid port is not being inserted into the tube? Or does Applicant mean that the fluid can no longer be inserted into the tube? It is not clear what the phrase entails. Examiner is interpreting the claim to mean that the claim limitation is met if the fluid port has been inserted into the metal tube.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Imoehl U.S. Patent No. 5,105,787.

With regard to claim 1, Imoehl discloses a fluid connection assembly comprising:

a housing (18) including a fluid port (28), and the housing is made of a first material;

a tube (14) made of a second material dissimilar to the first material;

a seal (32) located between the tube and the fluid port;

a retainer (34) to secure the fluid port to the tube; and

a locating feature (between 30 and 60 in Figure 3) to prevent relative rotation between the fluid port of the housing and the tube.

With regard to claim 2, Imoehl discloses the first material being plastic and the second material being metal (Figure 1).

With regard to claim 3, Imoehl discloses the housing being a manifold (Figure 1).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imoehl.

With regard to claim 4, Imoehl discloses the claimed invention but does not expressly disclose that the tube is made of aluminum.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the tube from aluminum because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 5, Imoehl discloses the claimed invention but does not disclose that the retainer is made of plastic.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the retainer from plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

16. Claims 1, 6-9, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dallas U.S. Patent Application Publication 2005/0082829 A1.

With regard to claim 1, and as seen in Figure 1, Dallas discloses a fluid connection assembly comprising:

a housing including a fluid port (14);

a tube (12);

a seal (18) located between the tube and the fluid port;

a retainer (27) to secure the fluid port to the tube; and

a locating feature (22) to prevent relative rotation between the fluid port of the housing and the tube.

However, Dallas does not disclose that the housing is made of a first material which is dissimilar to the tube which is made of a second material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the housing from a first material and the tube from a second material because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 6, and as seen in Figure 1, Dallas discloses the fluid port (14) being inserted into the tube, and the fluid port including an annular collar (28) and the tube including a flared end (15) that abuts the annular collar.

With regard to claim 7, and as seen in Figure 1, Dallas discloses the retainer being molded over the annular collar of the fluid port and the flared end of the tube.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

With regard to claim 8, and as seen in Figure 1, Dallas discloses the fluid port including at least one annular recess (16) that receives the seal (18).

With regard to claim 9, and as seen in Figure 1, Dallas discloses at least one of the fluid port and the tube includes the locating feature (22), and the material of the retainer is received in the locating feature to prevent relative rotation between the fluid port of the housing and the tube.

With regard to claim 13, and as seen in Figure 1, Dallas discloses a fluid connection assembly comprising:

a manifold including a fluid port (14), and the fluid port include an annular collar (28) and an annular recess (16);

a metal tube (12) including a flared end (15), and the flared end abuts the annular collar of the fluid port;

a seal (18) received in the annular recess of the fluid port, and the seal is located between the metal tube and the fluid port; and

a retainer (27) molded over the annular collar and the flared end to secure the fluid port to the metal tube.

However, Dallas does not disclose that the housing or the retainer is made of plastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the housing and retainer from plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 14, and as seen in Figure 1, Dallas discloses at least one of the fluid port and the metal tube includes a locating feature (22), and the material of the retainer is received in the locating feature to prevent relative rotation between the fluid port of the manifold and the tube.

With regard to claim 15, and as seen in Figure 1, Dallas discloses a method of assembling a fluid connection comprising the step of:

attaching a fluid port (14) of a housing to a metal tube (12);

locating a seal (18) between the metal tube and the fluid port;

retaining (27) the fluid port to the metal tube; and

preventing rotation (22) between the fluid port of the housing and the metal tube.

However, Dallas does not disclose that the housing is made of plastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the housing from plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With regard to claim 16, and as seen in Figure 1, Dallas discloses the step of inserting the fluid port (14) into the metal tube (12).

With regard to claim 17, and as seen in Figure 1, Dallas discloses the step of stopping the step of inserting of the fluid port into the metal tube.

With regard to claim 18, and as seen in Figure 1, Dallas discloses the step of retaining includes molding a retainer (27) over a joint of the metal tube and the fluid housing.

However, Dallas does not disclose that the retainer is made of plastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the retainer from plastic because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie C. Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fannie C. Kee
July 8, 2007

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